

REMARKS

Claims 1, 3, 5, 8-12, 24, 26, 28, 31-33, and 35 are rejected under 35 USC 112, first and second paragraphs; under 35 USC 102(b) as being anticipated by Galen, Volpicelli, and Liszka-Hackzell; and under 35 USC 102(a) as being anticipated by Brown. All claims except claim 35 are cancelled. Claim 35 is amended.

35 USC 112, first and second paragraph

Applicant amends claim 35 in light of the Examiner's comments. Claim 35 now recites that the glycemic profile is generated by plotting the subject's blood glucose concentration over predetermined time intervals where the profile includes concentrations that result from inducing both maximum and minimum glucose target levels. Thus, the claim recites how to generate a glycemic profile. Applicant removes the wherein clause cited by the Examiner for being indefinite. All problems with antecedent basis are corrected. The target maximum is greater than 300 mg/dL. Support for the amendment can be found, for example, at page 8. The target minimum is less than 90 mg/dL. Support for the amendment can be found, for example, at page 8. The claim is amended to recite that the subject's blood glucose levels are measured at predetermined time intervals. Thus, the claim requires beginning and ending blood glucose concentrations. X is assigned a value between 1 and 3 based on the subject's type of diabetes and level of control. Applicants therefore respectfully request that the rejections be withdrawn.

35 USC 102(b)

Galen

Claim 35 recites a method for generating a glycemic profile based on blood glucose concentrations over a period of time that includes a maximum glucose target level of over 300 mg/dL and a minimum glucose target level of less than 90 mg/dL. Galen discloses measuring a patient's blood glucose levels and, as a result, making adjustments in the patient's diet, exercise, and insulin intake. Galen does not teach or suggest a method for generating a glycemic profile that includes blood glucose concentrations for target minimum and maximum glucose levels.

Volpicelli and Liszka-Hackzell

Both Volpicelli and Liszka-Hackzell disclose methods for keeping blood glucose levels stable. Neither reference teaches or suggests a method for generating a glycemic profile that includes blood glucose concentrations for target minimum and maximum glucose levels. The whole point of these disclosures is to avoid changes in blood glucose levels; therefore, they cannot teach or suggest inducing minimum and maximum blood glucose levels in patients.

35 USC 102(a)

Brown teaches math models for simulating the effect of changes in insulin and diet on the blood glucose profile of a patient. Brown does not teach or suggest a method for generating a glycemic profile that includes minimum or maximum glucose target levels. Brown does not even use the words "minimum" or "maximum" in the entire disclosure.

Conclusion

Applicant respectfully posits that the pending claim has been distinguished from the art of record, and that all rejections of the claim have been overcome. Accordingly, Applicant respectfully requests allowance of claim 35. The Examiner is invited to please contact Applicant's agent at (650) 474-8400 should any questions arise.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Michael A. Glenn", with a long horizontal stroke extending to the right.

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